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January 9, 2024

VIA CM/ECF

Honorable Valerie Caproni
United States District Court for the
Southern District of New York
40 Foley Square, Room 240
New York, NY 10007
CaproniNYSDChambers@nysd.uscourts.gov

Re: Joint Letter To Reopen Jurisdiction Pursuant To Order (D.I.28)
*Anker Innovations Technology Co., Ltd. and Anker Innovations Limited v.
Awker, Inc., Jianjun Xue and Lee Austin, 23-cv-7855 (VEC)*

Dear Judge Caproni:

Pursuant to Your Honor's Order (D.I.28), the parties jointly submit this application to reopen jurisdiction in the above referenced case. The parties executed a Confidential Settlement and Release Agreement on January 9, 2024 (the "Effective Date"). The parties respectfully request reopening jurisdiction solely for the purposes of: (1) entering the attached Stipulated Order Granting Permanent Injunction (Exhibit A) agreed by the parties as part of a Confidential Settlement and Release Agreement; (2) filing a Stipulation of Dismissal With Prejudice of the lawsuit pursuant to Fed. R. Civ. P. 41(a) within five (5) business days of the Court's signing the Stipulated Order Granting Permanent Injunction; and (3) retaining jurisdiction for a period of one year from the Effective Date of the Confidential Settlement and Release Agreement for the purpose of enforcing the settlement agreement.



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Accompanying this joint application, the parties submit a request to file the Confidential Settlement and Release Agreement, including Exhibit 1 – Stipulated Order Granting Permanent Injunction; Exhibit 2 – ANKER-AWKER Domain Name Transfer Agreement; and Exhibit 3 – Press Release, under seal in accordance with Rule 5 of the Court’s Individual Practices in Civil Cases.

Respectfully submitted,

/s/Tony V. Pezzano/

Tony V. Pezzano

On Behalf of Plaintiffs

/Weitao Chen/

Weitao Chen

On behalf of Defendants

The applications contained in this letter and the letter motion at Dkt. 30 are DENIED without prejudice to the parties explaining why, given what is in the publicly filed complaint and permanent injunction, anything in the settlement agreement other than paragraph 4 is confidential.

By not later than **Friday, January 26, 2024**, the parties may renew their applications for a permanent injunction, for the Court to retain jurisdiction to enforce the settlement agreement, and to file the settlement agreement under seal.

The Clerk of Court is respectfully directed to terminate the open motions at Dkts. 29 and 30.

SO ORDERED.

A handwritten signature in blue ink, appearing to read "Valerie Caproni", written in a cursive style.

1/10/2024

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE